SUTTON COURT DECISION IN PROBABLE FINDING OF DEATH

BY ACCIDENT.

Bumer That the Report Will Be That Sutten Died by His Own Hand White Trying to Shoot Others-No Court-Martial of Young Officers to Follow.

WASHINGTON, Aug. 16 .- Major Harry eenard, United States Marine Corps. Judge Advocate of the Sutton court of inquiry in Annapolis, arrived in Washington this evening from Annapolis with the findings of the court and the record of the proceedings. These he will deliver to the acting Secretary of the Navy tomorrow. The Navy Department will review the case and probably within a week or ten days will make public the findings of the court and the action of the Department thereon.

There is no way of knowing exactly what the Sutton court has found as the officers are bound to secrecy, but there s reason to believe that the verdict will be that Lieut. Sutton came to his death by his own hand and by accident. It is considered possible that the court has further decided that he shot himself while trying to shoot another. Such is the belief of high ranking officers of the service who, with the reputation of their corps at stake, have followed the case with close interest, who have served on courts of all sorts and who ought to know about what decision would be reached

by brother officers. It was learned to-day that unless the Secretary of the Navy so directs there will be no courts-martial of the young who were involved in the Sutton terrice circles and has been reached in the full belief that the young men charged with responsibility for the death atton will be exonerated.

In the course of the inquiry which has been in progress at Annapolis for several weeks there has been considerable testimony to show that some of the officers regulations governing the corps. Lieut. Willing, for example, as officer of the day told Lieut. Bevan, officer of the guard to let Lieut. Adams go ahead and beat Lieut. Sutton's "damn head" off and that it would do him good. Testimony of this and other punishable

fences appeared in the course of the But two years have now gone by; none of the violations of regulations, in the opinion of marine headquarters, was very serious, and headquarters s not disposed to proceed further in the matter. All of the officers involved with the exception of Sutton, Utley and Roelker, who had been in the Naval Academy, had never been subjected to military dis-cipline and did not fully realize the military seriousness of what they were doing Lieut. Adams, who attacked Sutton when the latter had revolvers in hand threatening to shoot every one in sight might be held to account for that action but would never be found guilty in a civil court, and marine headquarters does not, in view of this fact, feel like prose-

cuting him. That discipline in the Marine Corps at Annapolis at the time was slack is realzed by marine officers here. It is believed not unlikely that the court of inquiry officers here, and particularly Gen. Elliott. commandant of the corps, hope that the court will take this acton.

The Sutton case will not die with th decision of the Navy Department. The young officers accused of murder feel that they have been subjected to unjust treatment, and it is not at all improbable that they will proceed in the courts against Mrs. Sutton. The Marine Corps authoriies would not object to such a course. It is understood that the Suttons will not be satisfied if the finding is against them. They want a verdict of murder, and if they do not get it, according to rumor only they will try to get Congressional investi-

EARTHQUAKE IN MEXICO?

Tremors Cought by Seismographs a

Washington and Cheltenha WASHINGTON, Aug. 16. An earthquake of moderate intensity was registered today on the seismograph of the United States Weather Bureau. The tremors began at 2:05 A. M. and continued for more than an hour. Officials of the Weather Bureau estimate that the area of the quake was about 2,500 miles from Washington. The quake was also recorded on the seismograph at the Coast and Geodetic Survey station at Cheltenham. Md. The following statement was given out regarding the

"An earthquake of moderate intensity was recorded at the Cheltenham, Md. magnetic observatory this morning as follows: Beginning at 2 hours 5 minutes and 24 seconds, 75th meridian, standard time; beginning of second phase 2 hours 10 minutes 40 seconds; beginning of principal portion 2 hours 15 minutes 24 secbeginning of maximum tremors at 2 hours 17 minutes 48 seconds; end at

about 3 hours. "The character of the record is similar to that of the record of the Mexican earthquake of July 30, though much less in magnitude. The record indicates that the origin of the disturbance was in the southeastern part of Mexico."

WATERLOO, Ill., Aug. 16.—An earth-quake shock was felt here at 4:45 o'clock his afternoon. No damage was done Messages from Columbia and Rosebuc report that those cities also experienced the shock at the same time. The scene of the great earthquake of 1811 is a short distance from here in southeast Missouri

WHEN THE SLEEPER WAKES Re Goes Up on the Roof and Drope Bricks on Policemen.

John O'Connor, 19 years old, was sleep on the steps of his home at 1428 First avenue at 2 o'clock yesterday morning when Policeman Kilroy came along and ordered him to move on. The wohad words and the young man entered

Iwo bricks came down from the roof I few moments later, and one of them whizzed by the policeman's head and struck the toes of his right foot.

Eliroy ran up to the roof and found o'Connor there and arrested him. He was held in the Yorkville court in \$500 ball for trial.

HARRIMAN NOT BENEFITED. Gastein Baths, It Is Said, Did Not Suit His Case-Coming Home Soon

Special Cable Despatch to THE SUN. MUNICH, Aug. 16.-Edward H. Harriman left here on Saturday for Paris. He will probably return to America shortly. It is said that his chief ailment is ri gidity of the vertebral column. He is little, if at all, better than he was having derived no real benefit from the baths in the Gastein waters. These were possibly too strong for him; at any rate they do not appear to have suited his case

During his stay in Munich Mr. Harri man went out little and made no long excursions. His family frequently used the automobile which he has with him, but he scarcely ever went out with them.

It was said vesterday that E. H. Harri man had engaged passage on the Kaiser Wilhelm II., sailing to-morrow from Cherbourg, and would be in New York next week, before which time it is not anticipated that there will be any board neeting of either the Union Pacific or Southern Pacific systems. At the office of the Union Pacific it was said that no news had been received of a change in Mr. Harriman's plans, which as originally made provided for his starting home of

Both the Harriman Pacifics made new high records yesterday and both sharply receded soon afterward. The activity in Southern Pacific was accompanie by general talk of undeveloped assets particularly timber land holdings, while interest was attracted toward Union Pacific by renewed reports that its investment assets would be segregated in the near future. In order to accomplish this it is necessary to get the preferred stock out of the way and one report yesterday had it that the holders of this issue would be offered par for their present security, payable 50 per cent, in cash and 50 per cent. in certificates of beneficial interest in the investment assets, paying 6 per cent. dividends at the start.

Coincidently with the activity in the Harriman Pacifics New York Central continued its rise, which in some quarters was explained by the assertion that Mr. Harriman would exercise an option he had on the Vanderbilt holdings of the involved were guilty of breaches of the stock at 150. None of these rumors re ceived the least official confirmation.

MRS. HIGGINS TO APPEAL.

Widow of Former Governor Objects to Fine for Speeding Imposed in Post Office.

UTICA, Aug. 16. -Mrs. Kate Caroline Noble Higgins, widow of ex-Gov. Frank W. Higgins, who was arrested in the village of Vernon two days ago and fined \$15 for automobile speeding, declares that she will appeal from the judgment of the court on the ground that the conviction is illegal because Police Justice Bower held court in the post office.

Mrs. Higgins was driving through the village in a touring car with her maid and a chauffeur, when a constable stepped in front of the machine, and ordered it stopped. He said it was going thirty miles an hour. He was about to lug the driver over to Justice Bowers's office when Mrs. Higgins interfered. She told him that she owned the machine, that she was responsible and that they were not speed-The constable thereupon placed Mrs. Higgins under arrest and escorted her to the office of Police Justice Bowers.

The court is usually held in the jail. Bowers, however, thought this would be It may be a day or two before the body a little rough, so he rigged up his court in is recovered. charge Mrs. Higgins made another protest and declared her husband was the Governor who originated the anti-speed ing law. Then she pleaded guilty and paid declared she would appeal from the conviction because court was held in the post office, and now it is announced she has retained a lawyer to prosecute the appeal.

MONETARY COMMISSION.

Meeting Held at the Plaza, but No Reports of the Session Given Out.

With Senator Aldrich presiding the National Monetary Commission held an informal meeting in a room on the sixth floor of the Plaza Hotel yesterday. Senator Daniel of Virginia and Representatives Edward Vreeland and John W. Weeks were the other members to appear.

This commission was appointed by Congress last year to report on the improvement of our system. Senator Al drich did not seem at all pleased that the news of the meeting had been sent out in advance from Beverly and he let it be understood early and in the meeting that what went on was to be regarded as

Among the bankers who were there were Festus J. Wade of the Mercantile Trust Company of St. Louis, J. W. D. Halsey and W. H. Gartley.

The commission sat from 4 until 6 o'cle discussing the nature of the report which is to be submitted to the Congress, but what conclusions, if any, were reached could not be learned, as all refused to give out any information.

It was learned, however, that the Central Bank idea had been discussed, but it was said that Senator Aldrich was not highly in the course of the cours

highly in favor of such a plan. The ator himself declined to say what he thought.

thought.

The commission will hold another meeting to-day and this will probably conclude their labors for the summer.

It is expected that a statement will be given out at the close of the meeting telling what has been done and what remains to be done before Congress meets.

FIGHT FOR TRAY OF GEMS. Jewelry Salesman Finds Stranger in Store

With Part of the Stock.

BALTIMORE, Aug. 16.—While the jewelry store of Sadtler & Son on East Baltimore street was well filled with customers this afternoon, George Rouff, a salesman, found a strange man crouching behind a counter clutching a tray of diamonds. Calling for help Rouff pounced

upon the stranger and a struggle followed.

The two men rolled over the floor looked in each other's arms. Women customers fied from the store and other alesmen gave the alarm

aslesmen gave the alarm.

A policeman ran in and found Rouff on top of the stranger, holding him by the throat. At the police station the stranger gave his name as George Swatz of Chicago and declared that he had been examining the diamonds on the tray with the intention of buying. A "phony" three stone ring not belonging to Sadtler & Son was found in his pocket, but he had no money. In the struggle the diahad no money. In the struggle the dia-monds were scattered but all were re-covered except a diamond hoop, which

A SUMMER APPETIZER—A teaspoonful of Soreford's Acid Phosphate in a glass of water simulates apposite and quenches thirst,—Adv.

BOY'S LIFE FIGHT AT NIAGARA

SWEPT INTO RAPIDS HE LIVES LONGER THAN CAPT. WEBB.

August Sporer's Gallant Struggle Against Death in the Terrible Stream-Had Gone Swimming With Other Youths and Took Dangerous Chances.

NIAGARA FALLS, Aug. 16.-After a galhis death at 2 o'clock this afternoon in stations and asphalted. the lower rapids. His body is now swiriing around in the whirlpool. Men are watching on shore waiting to catch it when it reaches the outer eddies.

Sporer was a frail youth of 19. passage through the lower rapids was one of the most spectacular in the history of the river. He withstood the buffeting of the waters even beyond the Giant Waves opposite the old battery elevator, where Capt. Webb, the famous English swimmer, lost his life in 1889.

With a couple of companions Spore had gone to the Maid of the Mist landing for a swim. That place for years has been favored by boys of the Falls, dangerous as its possibilities are. Four boys 500 feet above the cantilever bridge. Sporer struck out for the middle of the stream and then swam with the current toward the bridge.

Before the gorge road was built and a cove at that spot filled in it was possible for the strong swimmers to breast the current to the Canadian side, but now that is practically impossible. Friends yelled to Sporer to be careful, but the boy apparently paid no attention. He was almost at Swift Drift before he noticed his peril. Then he tried desperately to turn, but could not. The Swift Drift, or the breaking of the water from the calm of the upstream to the turbulent rapids, got him in its grip. He set up a plaintive wail for help, but there was no heip within the power of man.

The Swift Drift moves under the lower bridges at the rate of about twelve miles an hour. Once in its grip there is nothing to save a man from the rapids, their towering rocks indicated only by the tre nendous waves that leap to a height of from twenty to thirty feet.

As he passed under the bridge Sporer gave up the attempt to fight his way back. turned his head down stream and seemed to gather strength for the terrible struggle just upon him. He went to his death fighting every inch along a course that no swimmer ever went before and lived. Men watched his desperate struggle all along the way.

Lost for a moment in the great wave he reappeared, always battling. Later was lost to sight a score of times and as often given up for drowned. More and more feeble grew his strokes. Just where the stream turns to the straightaway to the pool he was seen to give up and soon was lost to view.

Had Sporer been able to make the Canadian shore water beyond the Giant Wave he would have been saved and he would have accomplished what no man unaided by barrel or boat, had ever done. As it was he went further than Capt. Webb, a powerful and expert swimmer

street, Niagara Falls DIAZ COMING TO U. S. Mexico's President Will Meet Presiden

EL PASO, Tex., Aug. 16.-That Pres dent Diaz will meet President Taft in El Paso on October 16 is a settled fact. The information came to-day in a telegram from the acting Secretary of State of the United States. Mayor Sweeney wrote the Secretary of State telling him to con vey El Paso's formal invitation to Gen Diaz through diplomatic channels and to say that he would be pleased to go to Mexico and consult the wishes of Mexican President regarding the visit if the invitation was accepted.

To-day the following telegram WASHINGTON, D. C., Aug. 16. Jos. U. Sweeney, El Paso, Tex.

"The Mexican Ambassador informs me President Diaz will have great pleasure in accepting the freedom of your city highly appreciates the courtesy The Ambassador is telegraphing to ascer tain the date when President Diaz can receive you in person to present freedom I will advise you fully later.

"ALVEY A. ADEE. "Acting Secretary of State."

BEATRICE CAN'T COME IN.

oung Runaway Matron and Her Sweet heart Will Be Deported to Germany. A good looking young Bohemian woman from Prague, with the luxury of a maid calling herself Franzisca Nagler arrived on Sunday in the second cabin of the Hamburg-American liner Cincinnati, from Hamburg. With the young woman, who was manifested under maiden name of Beatrice Mayer, was her lover, Adolph Grohman, 25 years old, just six years her senior. They were held up by the immigration bureau because the husband of Beatrice, a banker of Prague, had asked that they should be intercepted and sent back.

The young woman said it was true that she was the wife of the banker and that her maid was a gift from him. She said she had been married to him two months ago, her parents compelling her to be-come his wife, and that all the time she come his wife, and that all the time she had been in love with Grohman. After the wedding she had stolen interviews with her lover through the maid's connivance. She declared that she would marry Grohman as soon as she could break away legally from her more mature

legal mate. Frohman and the young woman had \$5,000 between them. They will be de-

The Fate of an Altruistle Pickerel. HACKETTSTOWN, N. J., Aug. 16 .- Willam Trethaway and Robert Wallace were fishing on Saturday in the Guard Lick.
They hooked a small pickerel and were playing it when a five pound pickerel snapped the hooked fish about the middle and shook it flercely as if to free it from the line. The fishermen scooped up both

Witness Army and Navy manouvres in Boston and along Massachusetts Coast. Take great Tur-Mine Steamsbips YALE and HARVARD. Service desity dress bet. N. Y. and Boston. See adv. — Afte.

GIRL TICKET AGENT MAROONED. BIGGEST AUGUST RAINFALL B. R. T. Line Choked by Storm-Barrel Man Rescues the Damse

The Brooklyn Rapid Transit Company had its troubles during the heavy rain yesterday. When the company first built its new line to Brighton Beach the elevation of the tracks on the dirt embankments in the neighborhood of the stations at Avenues H, J, U and Kings Highway was not high enough to allow of the passage of furniture vans and high trucks. The Department of Highlant fight for life August Sporer went to ways had the streets depressed at these

When the rain struck them vesterday nice lakes formed. The water under Avenue J was fully four feet deep and then it crept into the station and soon the cement floor, was covered with a foot of water. A lone girl ticket agent was there. She didn't dare desert her post, but when she finally changed her mind and decided to get out she found she couldn't without swimming. The water crept up and up while the girl first put her feet on the rungs of her chair and later climbed on the ticket desk.

There she was at 5 o'clock last night when one man passenger got to the station with the help of barrels moved along in front of him. He managed to rescue the girl, but the trains had long ceased to make any stop at Avenue J station. They likewise abandoned stops at H. U. got too deep for passengers to reach the stations. The only method for people coming in was to wade through mud and numerous puddles to the nearest trolley line and crawl to town that way.

PUBLIC TELEPHONE CONTROL

Legislative Inquiry Begins To-day About Increasing the P. S. Commission's Work. The committee named by the two houses of the State Legislature to report on the advisability of placing the telephone and telegraph companies under the jurisdiction of the Public Service Comp will meet to-day at the Murray Hill Hotel. It is understood that the only business that will be transacted will be the appointment of a counsel to manage the investigation, which will be started early in September. It is said that an up-State lawyer will be selected and there is an impression that the appointment will go to ex-Judge Elon R. Brown of Watertown Senator George A. Davis of Buffalo will

CRETE FIRM FOR GREECE. New Committee Takes Oath of Allegiance -Powers to Use Force.

Special Cable Despatches to THE SUN CANEA, Crete, Aug. 16 .- An administration committee has been formed and has taken the oath of allegiance to Greece CONSTANTINOPLE, Aug. 16.-It is re-

ported that the Cretans have refused to obey the demands of the Powers that they remove the Greek flag from the fortress at Canea. This makes the use of force inevitable The boycott of Greek steamers by

Turkish merchants has begun at Salonica. Smyrna, Gallipoli and elsewhere, in accordance with the proclamation of the Committee of Union and Progress, the Young Turk organization.

WASHINGTON, Aug. 16.-Lewis Einstein secretary of the American Embassy a Constantinople, has informed the State Department that the situation regarding Turkey and Greece has been made through pressure Turkey being brought to bear upon the Sublime Porte to demand more categorical explanations from Greece.

The Greek Government appears to have placed itself altogether in the hands of the Cretan Protecting Powers, which are continuing their efforts to bring about an understanding. Mr. Einstein adds that while the possibility of hostilities has not disappeared there is hope that ultimately there will be a peaceful adjustment.

WILL AID MRS. BELMONT. Mayor and Governor to Preside at He Suffrage Meetings.

NEWPORT, Aug. 16.-Both Gov. Aram J Pothier and Mayor Patrick J. Boyle of Newport have become interested in the coming woman suffrage meetings that are to be held here under the leadership of Mrs. Oliver H. P. Belmont at her summer villa, Marble House. Mrs. Bel-mont has invited these two officials to be the presiding officers at the two lectures and Mayor Bose has consented to preside at the first on August 24 and Gov Pothier at the second on August 28.

For fear that there will not be room inside the villa for those who wish to attend it has been arranged to have a large tent erected on the lawn if the weather permits. Mrs. Belmont has also decided to have a garden party in connection with the lectures as an added attraction.

the cause has made the admission fee to the lectures and garden parties \$1 and the five dollar subscriptions which are beginning to come in will include the privilege of an inspection of the villa. The subscriptions are not only coming from Newporters but one has been re ceived from as far away as Michigan.

FAR WIRELESS TESTS AT SEA Salem and Birmingham Will Try to Con municate Over 3.000 Miles.

BOSTON, Aug. 16.-In a short time the scout cruisers Salem and Birmingham will be fitted with the most modern of wireless apparatus and the most powerful yet devised with which they will engage in a series of tests which will be made with the ships thousands of miles apart and under all conditions of weather In this test the battleship Connecticut, Rear Admiral Schroeder's flagship, and the Brant Rock wireless station will also be brought into players.

be brought into play.

Though the orders have not been made known it is believed that the ships will go to some port in Europe and proceed from there to the tropical seas. At all events the tests call for the sending of messages over 1.000 miles under any conditions and 3.000 miles under favorable conditions, so that the ships will have to be these disances apart.

The two ships are at present being

the two snips are at present being fitted out with their new equipment at the Charleston Navy Yard. The topmasts of the Birmingham have been removed, to be replaced by larger and heavier ones in order to support the larger spread of wires and the heavier wires that the sys-SEEING NEW YORK STEAM YACHT: free transportation from Seeing N. Y. Auto office. Flattren fide. Str Av. Side: only starting pole. W. 2nd St. T. R. 10 A. M., 2:30 P. M.; 2 hours' trip; fare \$1; the most instructive and enjoyable crip is the world. Tel. \$40\$ Gramercy.—Adv.

J. PLUVIUS DUMPS 4.60 INCHES DOWNON THE CITY.

Downpour Intended as a Shower Bath for This Neighborhood Especially-A Slight Fall a Hundred Miles Away -Sewers and Crossings Flooded.

The prophecy of showers for this neighborhood was fulfilled and the neighborhood was filled full yesterday. There never has been in the records of the Weather Bureau, which are truer than most up at 8 o'clock last night there dripped of dampness, which never let up dripping | ment for a single minute in the meteorological | The announcement was made informally day At 10:45 o'clock the record was several days ago. 4.60 inches.

There have been in cyclonic times torthis August flood but it eclipsed all previous August performances by almost half an inch. And there is more to come, This may make, before the local forecaster Mr. Emery, takes another observation took the plunge into the river, starting and Kings Highway when the water at 8 o'clock this morning, a total fall of Holwick Hall, Yorkshire, where Mr more than six inches from the time Forecaster J. Pluvius uncorked his scuttle butt.

> Washington manifested a tendency to modify late last night its simple prediction of "showers and clearing skies." It authorized the hanging out of storm warnings from Cape May to New York, telling of the coming of northeasterly gales growing to northwesterly.

It was distinctively a local manifestation. New York's particular shower bath To illustrate how local it was Forecaster Emery remarked that there had been only .12 of an inch of precipitation in Albany merely a trace in Baltimore, only 1.20 in Philadelphia, nothing worth mentioning in Boston, just one one-hundreth of an inch at Block Island and to the west ward of us, at Scranton, .14 of an inch. The wind, mostly from the east, was gusty and blew at times with a force of about twenty-five miles, which is enough probably be elected chairman of the comat certain blustery downtown corners to pile up many umbrella wrecks.

The rain, as New York city got it, was due to an invasion of moist sea winds into the storm that swooped down this way from the lake regions. On other parts of the periphery of the lake disturbance there was also some dampness, which broke the drought in the middle Atlantic States and made the farmer happy, how ever much it spoiled the financial expec tations of the summer resort folks.

The sewers of the city were taxed by the persistency of the rain and West and South street cellars were flooded, while at times the passage across the crossing leading to the ferry landings were ankle

The last time New York had a grea August flood was in the twenty-four hours ended on August 22, 1888.

CONEY GETS ITS SHARE. Sea Mounts the Boulevard and Makes at

As usual in storm times, Coney rain in the memory of the oldest inhabitant. Bathhouses floated out to sea combers washed over sea walls and no body did any business

Inland Lake.

At Ocean Boulevard and Surf avenue the crests came so far ashore that a lake with whitecaps on it rolled where there was only land before. The new Brighton Theatre was an island by itself and the men and women who had to go to it waded knee deep or paddled on rafts. The water on some of the street car tracks was so deep that the cars had to give up There weren't fifty visitors all day Dreamland and Luna Park didn't ever open a door last night, and the barkers and ticket sellers, the players in the bands animal trainers, chute-the-chute men and all the others had a quiet evening the

themselves. There was one rescue. George Sutman who runs the Midland Hotel on the new Iron Pier walk, went swimming with William Holt, his bartender, Sutman hasn't missed a day this summer and he couldn't see why he should break his record just because the oldest inhabitant had never seen such a surf before. So he swam out and got caught in the under

Holt, who was nearer inshore, made for the beach. He found Capt. Tom Riley at Balmer's and two of Capt. Tom's life savers. Warham West and William Sullivan. The four men tried to launch boat, but the surf was too heavy. They trotted a thousand feet out the pier, even with the spot where Sut-

man was floundering in the surge. They jumped in and got hold of him. They steered him ashore and pushed him into Capt. Tom's tent, blowing like a porpoise There they all had something to bring him around.

Hoboken Trolleys Take to the Elevated The meadow section in the western part of Hoboken was inundated by yesterday's heavy downpour and the overworked sewers were unable to carry off the water. The trolley tracks at the head of First street were covered to depth of two or three feet and the White Line and Union Hill cars were obliged to use the elevated structure in going to and from Jersey City Heights.

Scores of cellars were flooded and the proprietors of several small stores were compelled to remove their stocks to the second floors. Rafts were placed in commission at flooded street crossings and a rushing business was done on the improvised ferries.

HORSE RUNS 75 BLOCKS. Dalldorf's Steed Leaves 154th Street for Home, but Taxicah Stops Him.

William Dalldorf's horse, which stabled at 266 West Thirty-seventh superintendent of the Army Nurse Corps. street, was standing attached to Dalldorf's express wagon at 154th street and St. Nicholas avenue last night when he decided to go home. decided to go home.

The horse went under good headway without opposition until he got to Seventy-ninth street and Central Park, where a taxicab drawn up by the curb stopped him. Then the tired animal waited for its owner to arrive, half an hour later.

KILLED AT MONTE CARLO.

R. E. D. Marshall, Wealthy American, Vietim of a Hospital Guard.

Special Cable Despatch to THE SUN. Paris, Aug. 17 .- A despatch from Monte Carlo states that R. E. D. Marshall, who is said to have been a wealthy American, was killed there to-day by a hospital guard. The latter fled.

AFRICAN UNITED STATES.

Prince of Wales's Inaugural Trip Communicated to Parliament.

Special Cable Despatch to THE SUN LONDON, Aug. 16.-It was announced of its predictions, so much rain on an August in the House of Commons to-day that day. In the twenty-four hours winding the Prince of Wales would go to South Africa next summer and inaugurate the new federation of the United States from the sunless empyrean 4.35 inches of South Africa by opening its first partiarule of the military umpires, marked the

MR. WHITNEY AFTER GROUSE. rential downpours that have exceeded Takes a Party to Shoot His Yorkshire Moors Coming Here Soon.

Special Cable Despatch to THE SUN. LONDON, Aug. 16 .- Harry Payne Whitney and a party of friends, including E. Harriman, a cousin of the well known railway man, left London to-day for Whitney has leased the grouse moors for the season's shooting.

It is stated that Mr. Whitney spend

\$50,000 in equipping the place and prepar-He does not intend to stay there long himself and will sail for New York in

OBJECTS TO \$3,500,000 SUIT. Cincinnati Firm Appeals From Decision

short time.

in Favor of the Druggists Association. Notice of appeal was filed in the County Clerk's office yesterday by counsel for the defendants in the suit brought by John D. Park & Sons Company, a Cincinnati drug firm, against Schieffelin & Co., Bruen, Ritchey & Co., Lehn & Fink and other members of the National Wholesale Druggists Association for \$3,500,000 damages on the ground that the defendants were guilty of acts in restraint

The defendants are appealing to the Appellate Division both from the recent order of Supreme Court Justice Blanchard permitting the plaintiff to serve as amended supplemental complaint in which the damages asked for are increased from \$500,000 to \$3,500,000 and from the orders appointing commiss to take testimony for the plaintiff outside the State.

HURRICANE AT MELILLA. Gives the Moors a Day's Respite-Marine Addresses His Troops.

Special Cable Despatch to THE SUN.
MADBID, Aug. 16.-A hurricane which prevailed at Melilla to-day prevented operations against the Moors and als caused considerable damage. Ships in the harbor were compelled to double their moorings and many of the soldiers

tents were levelled and carried away. The sea swamped the town and left the streets choked with sand. The transports in the harbor which were about to sail with ammunition for the troops at Marchica were unable to leave port. Gen. Marina made an address to the said: "Europe has entrusted us with a glorious mission, to prepare the way for

the civilization of this savage country. We know how to accomplish it. This evening it is officially announce here that a general advance of the Spanish troops on the Moors will begin

at Melilla to-morrow morning. LOST ON MOUNT TACOMA. Packs Left by Two Men Found Near the

Crater.

TACOMA, Wash., Aug. 16 .- T. F. Callahan of West Seattle and Joseph W Stevens of Trenton, N. J., are believed to have lost their lives ascending Mount Tacoma. Their packs and staffs have been found near the crater of the moun-

TRENTON, Aug. 16.-Joseph W. Stevens. reported to have been lost while ascending Mount Tacoma, was a contractor and well known in local Republican politics. He represented the Fourteenth ward of Trenton in the Mercer county Board of Chosen Freeholders, of which body he Chosen Freeholders, of which body he was formerly the Republican floor leader. He had ambitions to become a member of the Assembly and was regarded as well in line for the party's nomination when favorable opportunity should offer. He was about 45 years of age and a widower. Mr. Stevens had closed up his business affairs for the season and was taking a vacation in the West. He had expected to be in Portland this week and was to have returned home about was to have returned home about

SAW BARCELONA RIOTING. Passengers Unloaded From the Buenos Aires Finally Reach Port on Her.

The Spanish liner Buenos Aires, in ye terday from Barcelona, by way of Cadiz, was at the former port when the rioting began there. O. B. Stuart, a lawyer of Chicago, who had been a week in the disturbed city, said that the rioters were apparently unmounted when he saw the troops advance on them. Three women, who often addressed the rioters, spurred

who often addressed the rioters, spurred them to resistance.
The troops did not fire. Later a body of cavalry dispersed the mob. Mr. Stuart and his fellow passengers were landed from the Buenos Aires at Malaga. There the Buenos Aires was impressed into service by the Spanish Government as a troopship and the passengers were transferred to the steamship Catalonia and landed at Cadiz, where they boarded the Buenos Aires again when she returned from landing troops at Melilla to fight the Moors.
Mr. Stuart said the next steamship from Spain would bring a large number

from Spain would bring a large number of Americans who were to have sailed originally by the Buenos Aires, but who were unable to leave Barcelona because of the insurrection.

Miss Delano to Head Army Nurse Corps. WASHINGTON, Aug. 16 .- Miss Jane A. Delano of New York has been appointed vice Miss D. H. Kinney, who resigned several weeks ago. Miss Delano was formerly superintendent of nurses at the Bellevue Hospital in New York city and is president of the National Association of Nurses.

DEWEY'S CLARETS AND BURGUNDY.
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TEN NEWARK, N. J., TROOPERS "KILLED" IN SKIRMISH.

As Many More "Wounded" in the Same Fight Between the Outriders of the

Red and Blue-Black Troopers of

the Tenth U. S. Cavairy Win Glory.

MIDDLEBORO, Mass. (Headquarters of the Red Army), Aug. 16.—Ten brave men of the Essex Troop of Newark, N. J., vielded their lives in theoretical sacrifice before the guns of a detachment of the Blue army this morning, and ten equally brave men of the Essex Troop carried with them from the field wounds none the less glorious. These Jersey lives yielded and this Jersey blood, measured by the

first fatalities of the present struggle for the possession of this Commonwealth. Before the Jersey troop met disaster t had covered itself with distinction by making a swift dash far into the lines of the enemy. Together with a detachment of bicycle scouts the thirty-seven horsemen of Newark's pride had left their camp on the left flank of Gen. Tasker H. Blise's invading army and had worked through the early morning shadows of the encumbering woods far out beyond the most distant outposts of the Red lines into the territory held by the home defending Blues. Past Rock Station, which had been in the hands of the Blue army

sign of the enemy. Bolder grew the troopers and their comrades on the motorcycles. They believed that they could gain the left wing of Gen. Pew's army and make a reconnaissance that would give their commander surety in initiating a turning movement. They swept through the little hamlet of Middleboro at top speed. and beyond they were just climbing a hill, the horsemen in the lead, when the silence of the woods about them was split

yesterday, stole the scouts; there was no

by a volley. Ahead of the plunging horses, where the top of the ribbon of road showed blue against the sky, was a bulging cloud of smoke. Brown figures rose from crouch ing positions on the ground and rushed forward for another volley at close range. The troopers unslung their rifles from saddle horns and the cyclists dropped their machines between their feet and reached for carbines lashed to the cros

The second volley lashed out from the hill crest above. Again the horses of the Essex Troop scouts kicked and squeate Their riders strove to hold their mour by the heads and to get rifles ready for a reply at the same time. They were too slow. The umpire who was with the shattered Red scouts jumped to the front and waved to the Blues on top of the hill to stop firing. Then he told the New Jerseyites that they would kindly consider ten of their number dead and ten more grievously wounded. They would retire; the Blues on the hilltop had driven them back.

Later a Red support dashed out of Middleboro and repulsed the Blues. So it was that when later in the day army up to position about South Middle boro the graves of ten heroes there at the foot of the bloody hill shrieked for vengeance from the umpire's notebook.

Though this minor reverse was suffered by the advancing Red army, some long, loose limbed cavalrymen who ride as if their mothers had cradled them on colts' backs-those ebony troopers of the Tenth Regulars were winning ground and glory for their commander and themselves. Capt. Ryan at the head of Troop D had his men out of blankets betimes and down the road on scouting duty before the sun had touched the satiny skins of their mounts. They took a wood road about the base of the long chain of lakes that have separated the two armies and bore over to the northwest in the direction of the place where the right wing of the Blue army

was supposed to be encamped. Stealthily the black troopers pushed their horses through the tangled undergrowth until in the vicinity of the village of Myricks Capt. Ryan led his men out onto the highway. They were trotting along warily, with eyes to right and left for sight of the Blue scouts known to be in the vicinity. Just as they made a sharp corner in the road they spotted about fifty of the Blues' ov posts gathered in a bunch and squatting by the road-

clapped spurs to the bellies of their mounts, and with grins as wide as their saddle blankets they swept down upon the unprepared pickets. The Blues, officers and men, scrabbled along the ground through the fence and into the thickets behind like so many rabbits. Off their horses came the troopers, and with great chuckles of delight they went in after Blues, collaring them like so many naughty school children on a hooky lark.

Fifty-odd they gathered in altogether. and some of the ebony cavalrymen bore away with them as souvenirs three khaki ackets that bore on the shoulders insignia of officers' rank. Their owners had gone off through the brush with no thought of their belongings.

Just by the fraction of an inch did the mad adventurers of the Red army on outpost duty miss catching a big fish in their scoop shortly before noon this morning. No less a person than Gov. Eben S. Draper of Massachusetts, by virtue of his position of commander in chief of all the home defenders in the Blue forces, was the one who escaped the ignominy of falling a prisoner into the hands of the invaders by a very uncomfortable hair's breadth.

As the story filtered in to headquarters here at South Middleboro Gov. Draper, who has been with his troops since first they took the field against Gen. Bliss's army, started out with his Adjutant-General, William H. Bridgman, to run over in his auto to Middleboro from the Blue army headquarters at Robbins Pond. He did not know that his course took him directly into the path of the thickest cloud of the Red army's reconnoitring forces. Just before he reached his destination and while he was in a house in the village of Eddyville, to the north of Middleboro, one of his aides saw Red